



## Lamoine Board of Appeals

606 Douglas Hwy  
Lamoine, ME 04605  
(207) – 667-2242  
town@lamoine-me.gov

### Shubert v. Lamoine Code Enforcement Officer/Young

#### Findings of Fact December 8, 2015

#### Synopsis

Appellants William and Carol Shubert are abutting property owners (Map 12 Lot 16) to Frank M. & Wendy Young (Map 12 Lot 21). The Mr. & Mrs. Shubert timely filed an appeal of Shoreland Zoning Permit #15-37 for a breezeway located within the Shoreland Zone to the Mr. & Mrs. Young issued by the Lamoine Code Enforcement Officer on September 21, 2015. The Board of Appeals found the Appellants have standing as abutting property owners, timely filed the appeal (October 16, 2015), and that the Board has jurisdiction on this matter pursuant to the Lamoine Shoreland Zoning Ordinance. The Board met on November 17, 2015 and determined that the case would be heard “de novo”, with a hearing set for December 2, 2015. The Appeals Board members hearing this case are Hancock G. Fenton (chair), Jay Fowler, Constance Bender and Jon VanAmringe.

The board gathered evidence from both the Code Enforcement Officer and the Appellants at a hearing that began on December 2, 2015 and continued on a limited basis on December 8, 2015. Based on the testimony and submitted evidence and exhibits in the case file, the Board of Appeals finds the following pertinent facts.

- Mr. & Mrs. Young submitted an application for a 361-square foot breezeway to connect an existing garage to an existing, non-conforming dwelling.
- The Young lot has a total of 35,240 square feet of land located within the Shoreland Zone.
- The Lamoine Shoreland Zoning Ordinance section 15 (B)(5) reads (in part) as follows:

##### *5. Total Area*

*The total area of all structures, parking lots and other non-vegetated surfaces within the shoreland zone shall not exceed ten (10) percent of the lot or a portion thereof located within the shoreland zone, including land area previously developed, .....*

- The Young property currently contains a residence, a garage, a shed, and driveway leading to the garage containing 4,893 square feet of non-vegetated surfaces within the Shoreland Zone. The proposed breezeway of 361 square feet would create 5,254 square feet of non-vegetated surface within the Shoreland Zone.
- The non-vegetated limit of the Young lot is 3,524 square feet.

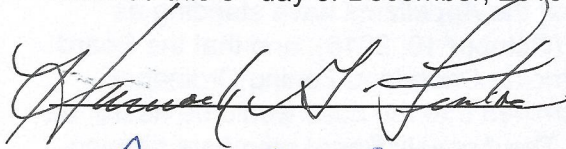


## Conclusions of Law

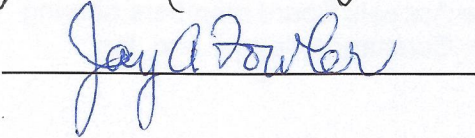
Based on the above factual determination, the Board of Appeals, by a unanimous vote, overturns the decision of the Code Enforcement Officer, and hereby **denies** a Shoreland Zoning Permit for the following reason:

Issuance of a Shoreland Zoning permit for the proposed breezeway would be in violation of Section 15 (B) (5) of the Shoreland Zoning Ordinance of the Town of Lamoine, as it would increase the already non-conforming lot coverage standard.

Ordered this 8<sup>th</sup> day of December, 2015 by:



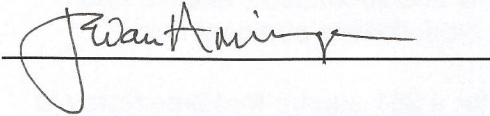
Hancock G. Fenton, Chair



Jay Fowler



Constance Bender



Jon VanAmringe

*The Lamoine Board of Appeals*

This decision may be appealed to Maine Superior Court within 45-days of the decision, pursuant to the Lamoine Shoreland Zoning Ordinance, Section 16 (K)(4).